

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:21-CV-00041

OMILURE FEW,

Plaintiff

v.

OUTBACK STEAKHOUSE OF FLORIDA,
LLC,

Defendant.

NOTICE OF REMOVAL

Defendant Outback Steakhouse of Florida, LLC files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant states the following in support of its removal:

1. Plaintiff commenced this action on December 11, 2020 against Defendant in the Johnston County Superior Court, State of North Carolina, by filing a Complaint styled *Omilure Few v. Outback Steakhouse of Florida, LLC*, File No. 20 CvS 3792 (the “State Court Action”).

2. Plaintiff served Defendant with the Summons and Complaint on December 30, 2020 by certified mail through its registered agent, Corporate Creations Network, Inc.

3. Defendant files this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint which sets forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. § 1441 and 1446(b)(1).

4. All process, pleadings, and orders filed in the State Court action, which were served on Defendant are attached as Exhibits A and B.

5. Defendant has not yet filed an answer or other responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim it may have.

6. Upon information and belief, Plaintiff is a citizen and resident of Johnston County, North Carolina.

7. Defendant is a Florida limited liability company with its principal place of business in Florida.

8. Plaintiff is asserting claims for negligence and negligent hiring, training, and supervision of employees related to an alleged slip and fall accident in a restaurant. Plaintiff alleges in her Complaint that she “suffered serious, painful, and debilitating bodily injuries . . . which continue to cause Plaintiff a substantial amount of physical pain and mental suffering,” as well as lost wages and lost earning capacity. Upon information and belief, Plaintiff’s alleged damages are in excess of \$75,000.00.

9. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will serve Plaintiff and file with the Johnston County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendant prays that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendant further

requests that this Court assume jurisdiction over this action and proceed to a final determination thereof and that there be a trial by jury of all issues so triable.

This the 28th day of January, 2021.

/s/ Christopher A. Page
CHRISTOPHER A. PAGE
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served counsel for Plaintiff by U.S. Mail at the address indicated below.

Thomas D. Kandler, II
P.O. Box 483
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Ricci Law Firm, P.A.
Counsel for Plaintiff

This the 28th day of January, 2021.

/s/ Christopher A. Page _____
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